

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEFFREY WILLIAMS,	)	
	)	Civil Action No. 11 - 862
Petitioner,	)	
	)	District Judge Terrence F. McVerry
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
MARIROSA LAMAS, <i>et al.</i> ,	)	ECF No. 29
	)	
Respondents.	)	
	)	

**REPORT AND RECOMMENDATION**

**I. RECOMMENDATION**

For the following reasons, it is respectfully recommended that Petitioner's Motion to Vacate Order granting Respondents' Motion to Dismiss for Lack of Jurisdiction and adopting Report and Recommendation (ECF No. 29) be denied.

**II. REPORT**

Jeffrey Williams ("Petitioner") has moved the Court to vacate this Court's Order dated February 15, 2012, pursuant to Federal Rule of Civil Procedure 60(b). The procedural history of this case is complicated and inextricably intertwined with Petitioner's two other habeas actions filed at Civil Action No. 10-cv-936 and No. 10-cv-353. There is no need to recount it herein because the basis for Petitioner's current motion is simply that the Court made a mistake by not consolidating his habeas petition in this case with his habeas petition at Civil Action No. 10-cv-936, or otherwise allowing him to amend that habeas petition to include the claims brought in the instant habeas petition filed in this matter because in both matters he sought to challenge his

2007 judgment of sentence. Petitioner, however, is mistaken. In the habeas petition pending in the instant matter, it was clear that Petitioner challenged only his 1991 conviction for sex related crimes and the 2000/2001 resentencings connect to that conviction. It was specifically noted that his petition could in no way be construed as a challenge to his 2007 judgment of sentence. Because Petitioner had already challenged his 1991 conviction for sex related crimes and the 2000/2001 resentencings connected to that conviction in his habeas petition filed at Civil Action No. 10-cv-353, the petition in this case was dismissed as a second or successive petition on February 15, 2012. Moreover, as made clear in Civil Action No. 10-cv-353, and by the Third Circuit Court of Appeal's Order in Appellate Case No. 12-1618 dated November 27, 2012, Petitioner is no longer in custody for his 1991 conviction (and 2000/2001 resentencings connected to that conviction) so any such petition challenging that conviction is not cognizable. Accordingly, the instant motion should be denied along with a certificate of appealability.

### **III. CONCLUSION**

For the foregoing reasons, it is respectfully recommended that Petitioner's Motion to Vacate Order granting Respondents' Motion to Dismiss for Lack of Jurisdiction and adopting Report and Recommendation (ECF No. 29) be denied.

In accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties are allowed fourteen (14) days from the date of service to file objections to this Report and Recommendation. Any party opposing the objections shall have fourteen (14) days from the date of service of objections to respond thereto. Failure to file timely objections will constitute a waiver of any appellate rights.

Dated: February 26, 2013



---

Lisa Pupo Lenihan  
Chief United States Magistrate Judge

cc: Jeffrey Williams  
GU3700  
PO Box A  
Bellefonte, PA 16823  
*Via U.S. Postal Mail*

Counsel of Record  
*Via ECF Electronic Mail*